

## **COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS**

**November 23, 2004**

**5:30 PM**

Chairman Forest called the meeting to order.

The Clerk called the roll.

Present: Aldermen Forest, Gatsas, Osborne, Porter, Lopez

Messrs.: F. Thomas, T. Clark, B. Vigneault

Chairman Forest addressed Item 1 of the agenda:

Appeal of the suspension of taxi driver's license.

Deputy Clerk Normand stated it appears that the woman that had made the appeal is not here yet. If we could put this off to the end of the meeting maybe she will show up.

Chairman Forest addressed Item 4 of the agenda:

Communication from the Public Works Director submitting a revised Procurement Code.

Frank Thomas, Public Works Director, stated what has been handed out tonight is another revision to the Procurement Code. There was a meeting of department heads – the City Solicitor's office and the Mayor's office this morning. There were some additional comments generated. Those comments have been included in the revised code. They are noted with underlining. Basically they are housekeeping type additions. These changes don't really affect the gist of the proposed Procurement Code. Just to let you know what our intent is, now that we have what I would call a final draft again I would like to be able to circulate it out to all of the department heads for one more round of comments. The larger departments were in attendance at the meeting today but I think as a courtesy I would like to again submit it to the other departments for one more review and comments. I would be glad to try to answer any questions that you may have at this time.

Alderman Lopez stated Frank we read the one that came with the agenda and now we have a revised one. Could you just capitalize on some of the sticking points that some of the department heads were concerned about?

Mr. Thomas responded again some of the minor comments that were made today were the need to at least put down in written form when a department head varies from the exact wording in here to like the Finance Director. It is not requesting approval but in one area you can only extend a contract five times or ongoing type contracts five times. If in the opinion of the department head it makes sense to do it again then a written notification would be sent to the Finance Officer just so that he is aware and then if there is a problem with the Finance Officer then it could come back to us. Again if you turn to page 8 of 19, on item 14 you can see underlined one of the changes. This is in regards to the requirement of bid bonds, performance bonds and what not. In the sentence just previous to the underlined sentence it notes "all other securities satisfactorily" and what we have done is "to the purchasing agency after consulting with the Finance Officer and the City Solicitor." So basically what we have tried to do is we are still leaving the flexibility there up to the purchasing agency or the department head to make determinations but in some cases what we are saying is that they should consult with the Finance Officer or the City Solicitor.

Alderman Lopez stated in looking at that now what is the normal procedure today if a department head goes out and does something. Is that the same procedure today?

Mr. Thomas responded this gives the department head a lot more flexibility. In the old Procurement Code in many instances either it is not allowed or you have to get approval in advance from either the Board of Mayor and Aldermen or the Finance Officer. So this puts more of a burden on the department head but in the same token it gives the department head more flexibility but we are still keeping the notification process in so that if somebody else such as the City Solicitor or the Finance Officer has a concern with what the department head is doing then it would be brought to the department head's attention.

Alderman Lopez asked so the Board of Mayor and Aldermen don't have anything to do with this.

Mr. Thomas answered I think that is one of the reasons why the request was to redraft it. As you know, in the past quite frankly our hands were tied. We were still able to do almost any procurement we wanted but it meant coming to the Board of Mayor and Aldermen and having an ordinance adopted for that particular procurement. What this draft does or what this proposal does is now give the departments the flexibility to go out with a design-build construction management

without having to go through the full Board and ordinance type process. Again, the flexibility is there but with the flexibility comes more responsibility on the part of the department head to conform to the requirements of the procurement code. In numerous locations in here we spell out that a file...hopefully right now departments are doing this but what we are saying is that every procurement should have a file. Decisions that are made regarding awards should be noted in the file. If there are any liberties that are being taken by the purchasing agent it should be justified in the file so that sometime at the discretion of any committee or the City auditor they could come down and audit a particular project and there should be a complete file regarding that particular procurement.

Alderman Gatsas asked on page 13 I noticed that professional services there was a change that written approval of the Finance Officer and the Board of Mayor and Aldermen were removed. Could you tell me whose idea that was and why it was done?

Mr. Thomas answered that was a result of today's discussion. I had in there and/or and what was brought to my attention I believe by Tom Clark is you really don't want to put an and/or into a code like this. It should be one entity that you are notifying because you can always at a later date point a finger – I notified them, no you didn't, this and that. So what we did was took out the and/or and in this particular case we are waiving pre-awards to the same firm by at least notifying the Finance Officer that you are doing it. Again, you have to have a rationale and you would put down that rationale in writing for notification. Now if there was a problem on the part of the Finance Officer of your action then he would let you know what his problem is and I would like to think that the department head would listen to him.

Alderman Gatsas asked why wouldn't you tell us. Why wouldn't that be a prior written approval or approval of the Board instead of Finance?

Mr. Thomas answered again I think the intent or the way I understood my directive here was to try to make this Procurement Code as flexible and as streamlined as possible for the purchasing agency. Even though you meet every two weeks again it is another step and it is time consuming and in a lot of cases if it is a small procurement that you are going to want to extend into a third procurement or service of the same vendor to wait and have to go to the Board I just felt it was time consuming.

Alderman Gatsas asked does that mean that if that \$25,000 service started at \$25,000 would that fall under that category and if the following contract went to \$35,000 and then \$45,000 because it started at \$25,000 does that no longer have to come to the full Board.

Mr. Thomas responded I don't think the intent is...this particular section is for professional services of \$25,000 or less.

Alderman Gatsas asked if the original agreement was for \$20,000 and the follow-up year it was for \$30,000 for the same firm does it have to come before the full Board or can that department head with written permission from Finance make that choice.

Mr. Thomas answered this is independent...

Alderman Gatsas interjected it says in no case shall more than three awards be made to the same vendor in any 12 month period without. So I am saying...I apologize. If they started originally at \$20,000 and four months later it went to \$30,000...

Thomas Clark, Solicitor, interjected this particular issue talks about three separate contracts being awarded to the same firm or professional service company. If you go out and hire an architect to design a school building or if you had a small project that was under \$25,000 and you go out and search for architects for a different project you can award it to the same firm. We are talking about separate contracts, not the same contract getting bigger.

Alderman Gatsas replied so what you are saying is if the same firm came in with a bid of \$24,500 on seven different projects no one would have to know that.

Solicitor Clark responded notification would be sent to the Finance Officer. The intent of this as I understand it in talking with Frank was to prevent or make sure that departments are avoiding the bidding or the greater requirements for over \$25,000 by breaking projects up into smaller ones to avoid having to go out to bid.

Mr. Thomas stated yes. I guess there have been some problems in the past where a department would bring on say an architect at a small fee knowing quite well that they might be the next day utilizing that same architect to do the next phase. Separate contracts for the next phase and then the next phase and so what that is trying to say there is that if you are going to utilize under the small procurement portion of this section of professional services the same firm for more than three separate contracts you have to give written notification to Finance. Over \$25,000 you have to go through a formal procurement process.

Alderman Gatsas asked so there is \$24,500 and in the thirteenth month there is no notification.

Mr. Thomas answered if it is a separate contract after three times you would have to...

Alderman Gatsas interjected that is not what this says. It says any 12 months without prior...

Mr. Thomas interjected I guess theoretically after 13 months yes you could utilize this guy again.

Alderman Porter stated there is a significant difference between prior approval of and prior written notification to. It basically is the total decision of the department head to do that without any approval. Notification, what if the Finance Officer were to disagree with it? I don't know of any example but the notification is all that is required?

Mr. Thomas responded again that is what we are proposing and quite frankly in talking with the Finance Department this afternoon they don't really want to be in a position of constantly being asked to approve things. They want written notification so that they have a record of decisions that are made and quite frankly at least from my point of view if the Finance Department or the City Solicitor's Office raises a concern to me I am certainly going to listen to the experts in those areas.

Alderman Lopez stated I understand what you just said and there is nothing wrong with that except could there be instances where you would not get written notification to the Finance Officer delaying something. I am trying to relate this to...a) the Board of Mayor and Aldermen give you X number of dollars to you as a department head to spend. Where would you think that the Finance Officer would give you a written notice? Give me some examples where you think that could be or maybe the Finance Officer could give us something. If he is saying here is a \$250,000 bond to do a project I look at it as the department head taking the \$250,000 and doing it. Now can you give me some instances where this would stop department heads from doing this?

Kevin Clougherty, Finance Director, stated I think as Tom mentioned earlier what we are saying here is if you have a project of that size you go out to a competitive proposal. This is for small purchases, I believe, under \$25,000. So the intent here is you don't want somebody coming in as part of a first phase of project and say okay I am going to contract with Alderman Lopez to do this project and it is under the \$25,000 for the first phase. Let's say it is \$20,000. Then six weeks later or two months later during the second phase of the project they decide they are going to do a more in-depth thing now that is going to be \$24,095 and then there is a third phase going on. You don't want people breaking down projects and avoiding

the competitive process by trying to purchase things under the small procurement process. That is what the intent is here. We have all read this a number of times but I think Alderman Gatsas' point is reasonable. What we are trying to do is prohibit that. If by restricting it to 12 months or not saying something about a particular project we maybe need to address that. That is why this is still in the draft phase for the other departments and the Board to look at. That is the intent and the notification requirement is rather than coming back and forth all of the time to the Board for extensions on these small projects, which can be cumbersome if somebody has a reasonable explanation they notify the Finance Officer. It is my responsibility if I think it is not right to talk to them and I have the vehicle, the Committee on Accounts, to go forward to that Committee and say we have this issue and we would really like to see this taken care of and this is why so there is disclosure. The disclosure burden would be put on the Finance Office.

Mr. Thomas stated to answer your question if I understood it the way you originally asked it, Alderman, if there was an allocation say of \$250,000 by a department to do a project when would the Finance Department ever say no you can't spend it. I can't see any case that would come up because it would have gone through as CIP project and it would have gotten the blessing of the full Board. I don't see any case when that situation would come up once the project has money allocated.

Alderman Lopez stated the executive summary that we had with the agenda, are you going to provide an executive summary after you go through all of the departments or is this the final document.

Mr. Thomas responded we can. Again, I don't see any substantial changes being made to this document. If you noted in the executive summary I didn't put in reporting or this and that. To me those are housekeeping issues. I think the cusp of the Procurement Code has been summarized in the executive summary and again just to briefly...we have raised limits on things because it has been well over 10 years I believe since the limits on these procurement purchases were made. \$1 doesn't go as far anymore and we have included in this Procurement Code the issues of design-build construction management. Before the departments had to come back to the Board every time for a waiver or an ordinance for a particular project like a design-build project. So that is the main thing. There are a lot of pages here but what we tried to do is put a lot of detail and definitions in so that people know what an amendment is and what a change order is and when they should be used. It gives more flexibility in hiring professional services. Professional services is not like buying a can of paint. Professional services you want to hear what the proposal is and develop a scope of services to that procurement process and as a result you don't really want to get a fee up front.

You want to negotiate that fee after you know what you are doing and this is the way the State of NH does it. Again, as I mentioned I think this does give department heads a lot of flexibility but also it gives the department heads more responsibility. With that flexibility comes more responsibility and as such if you notice right on the first page I put in a paragraph saying if you have any questions whatsoever regarding this Procurement Code talk to the City Solicitor and talk to the Finance Officer.

Alderman Lopez stated there are a lot of pluses to this. Are there any minuses by approving something like this?

Solicitor Clark responded I believe the code as rewritten is more up-to-date and modern than the one we used to have and should be a good tool for department heads.

Mr. Clougherty stated from Finance's standpoint we have been in several meetings with Frank going over these drafts and we think this is a step in the right direction. Again, we are making changes to it today. We are meeting with you and I think we are on the right path. The only concern we have and everybody knows this is we had some concern because it didn't include penalties. I have been talking to Tom and he has assured us that non-compliance would be addressed in the other ordinances and statutes and charter that are available and those don't have to be articulated here and probably shouldn't be. On that, I think it is an improvement. Our staff has gone through it and will continue to go through it with these changes and look at it right up until the next meeting.

Alderman Lopez asked does this have anything to do with the Enterprise. Is it just the City side?

Mr. Thomas answered this would apply to the Enterprises, at least EPD, Water Works and Parks and Recreation. The only people it won't apply to is the School District because I understand they have their own separate procurement code. We are still having some discussions with the Airport. Again, it is still being worked on that is why I am not looking to have the Committee take an action tonight. Again, we wanted your input. The larger departments are still talking and I want to get this out to all departments so they can have another crack at it.

Alderman Lopez asked is the Airport under our Procurement Code now.

Solicitor Clark answered yes it is.

Mr. Thomas stated keep in mind that in discussions with the Airport and I don't want to speak for Kevin but the Airport has come to the Board of Mayor and

Aldermen on numerous occasions and got waivers on certain things and what we are trying to do is address that in the Procurement Code. Kevin pointed out to us that he has a waiver from the Board to be able to use design-build right now pretty much any time he wants, which is fine and we have no problem with that. We want to make sure that we don't tie up departments like the Airport that is working well with what they have on the books right now. That is why we are still talking to Kevin and we want to talk to the other departments because we certainly don't want to do anything that would make things more difficult.

Alderman Gatsas asked on page 15, specialized procurement actions, I guess I question why it would be the Board of Mayor and Aldermen...maybe it has changed. No, no change. Why would it be the specified agency, department or officer and not just the Board to waive this?

Mr. Thomas answered I am glad you picked that up because we have to get more than one of those agencies out of there.

Alderman Gatsas stated I would think that the specialized procurement action would stay still in the hands of the Board.

Mr. Thomas replied in the past issues dealing with legal, outside legal counsel, insurance issues and whatnot were basically assigned to Risk Management, the City Solicitor's Office for certain accounting and Finance for certain computer purchases for Information Systems. That is kind of spelled out in the existing Procurement Code now. The rationale behind that is we don't want every department running out and buying different computer systems that aren't going to integrate with what the City has or the City Solicitor is the City's legal counsel and we don't want departments just arbitrarily going out and hiring attorneys to make decisions that maybe don't get run through Tom's department. I don't want to speak for him but that is the way I envisioned it when we wrote this. Again, are there some areas where a large department such as the Airport or whatnot may need some special authority for auditing services? Potentially I think that is out there and we either can do that by having the Finance Officer okay it or again by some notification process. That is one of the issues we are still quite frankly discussing internally with the departments.

Alderman Gatsas responded I would think that number one the Airport would fall under that same criteria if you are concerned with what legal services we are going to get involved with or with Finance whatever auditing services we are going to get involved with. I would think that the Airport would have that same discretionary scrutiny.



Mr. Clougherty asked in what way, Alderman. That no Airport services would be contracted to anybody else?

Alderman Gatsas answered well I think that the money spent at the Airport and the services provided out there, including wages, benefits and everything else don't come from tax dollars do they.

Mr. Clougherty responded but they are City funds under state law.

Alderman Gatsas replied correct they are but how are those state funds paid for. How are they...where do they come from and who pays the debt service? Are we at risk for any of the debt service?

Mr. Clougherty responded the way that the debt has been structured the taxpayers of the City are not but again under state law the responsibility for structuring that debt and for banking services, the Treasurer is the Finance Officer not the Airport Director. Similarly, the responsibility for accounting control under the charter is the Finance Officer and not the Airport Director. Similarly, the responsibility for legal services is the City Solicitor, not the Airport Director. Now if the Airport Director wants some specialized accounting or some specialized banking services than he can certainly approach the Treasurer and we will negotiate that and work with him to try and come up with something that is in our collective best judgement right for the Airport. That is what has to happen. That is why those are reflected in here, Alderman, with respect to and I can only speak for the Finance Officer but the reason that the accounting services and the banking are in there is because under the charter and state law those are authorities that are delegated to the Finance Officer. I can't give those away and even if there wasn't a section in there that cross-referenced if you will those responsibilities, say there wasn't an item for this, that doesn't mean that anybody can go out and start contracting for banking services or accounting services because those are in other documents or other sections things that have been delegated to the Finance Officer.

Alderman Gatsas replied right but I still think there should be some sort of written waiver that comes from the full Board.

Mr. Clougherty asked written waiver of what sort.

Alderman Gatsas answered it says right here that exceptions may only be granted with a written waiver from the Board of Mayor and Aldermen and/or the specified agency, department or officer.

Mr. Clougherty stated again I agree with Frank. The and/or section we had talked about going through those and maybe we didn't pick all of them up but...

Alderman Gatsas interjected I am saying as this Board member it should be the Board and not the officer or some other agency or department. That is this Board member's feeling.

Mr. Clougherty stated I understand that but are you saying that if the Water Commissioner or some department came to you and said that they wanted to set-up, say Mike has a separate bank account, that you would have the authority to waive my statutory authority to do that.

Alderman Gatsas responded I am saying that if that is going to be waived it should be waived by this Board and not by you because that gives you the ability to waive it if you wanted to.

Mr. Clougherty stated he may not want me to waive it to him.

Alderman Gatsas replied right and what I am saying is normally when you sit behind us and we ask you for your professional opinion and you give it to us normally we go with that. So I would think it would be the Board's judgement certainly with your acknowledgement of what we are doing but I don't think that you should just be able to tell Water Works go and open up your own account without this Board knowing it.

Mr. Clougherty stated that is my concern, Alderman. That is true. As long as everybody understands that there are certain authorities laid out in statute that can't be delegated either way that is fine with me. The only reason we are putting it in there is so that people understand what those authorities are for the Solicitor and others. It is more of a cross-referencing than something else.

Solicitor Clark stated similarly on legal services there is already a separate ordinance outside of the procurement code. It is 30.06, which prohibits any officer or department from obtaining legal services or hiring an attorney to represent them or the City without first coming to the Board of Mayor and Aldermen and before they go to the Board of Mayor and Aldermen they have to send the request to me that I can send to the full Board with my review and comments. That is in place already.

Alderman Gatsas stated well that would just put it in two places.

Solicitor Clark responded that is the way it has been in the past Procurement Code. Before hiring an attorney they have to come to the full Board for approval. I would have to comment and then the procurement is made by the department.

Mr. Clougherty asked in terms of that would that be a better procedure so that the respective agency here would be notified first or notification so that the information could be presented.

Alderman Gatsas stated I would think so that way the Board could...

Mr. Thomas interjected what we can do is take out the word "or" and just note from the Board and the specified agency, department or officer.

Chairman Forest called Kevin Dillon forward.

Kevin Dillon, Airport Director stated I wanted to give you my perspective on this and my opinion. First I think Frank did a very good job putting this procurement code together. I think in my respects it will work well for the Airport but I do have problems with this particular section, Section VII Specialized Procurement Actions. While certainly I agree with Kevin that a department shouldn't be there opening up bank accounts, individual bank accounts or with Tom that departments shouldn't be hiring attorneys to render legal opinions on behalf of the City I do believe there are times when a department, particularly the Airport, will need to procure these types of specialized services. Take for example auditing services. If I have an airline agreement that I am particularly concerned about and I want to hire some outside aviation auditing expertise I believe I should have the ability to do that. Likewise if I want to hire some specialized aviation expertise to advise me on particular aviation matters, I think I should have the ability to do that. I think the way this is being structured right now my judgement as a department head to make these decisions is being subordinated to the judgement of the City Solicitor and the Finance Officer in terms of decisions. I think what I have a problem with is the language on this. I understand, I think, what Kevin Clougherty is trying to protect and I think I understand what Tom Clark is trying to protect but I think the language of this is overly broad and restricts my ability to take the actions that I feel are necessary to operate and manage the Airport.

Alderman Gatsas asked Kevin, and I don't disagree with what you just said, but you don't have a problem that if you came to the full Board for us to waive that. In other words, we would add you or put you in under Item VII to allow you to come to this full Board for a waiver without having to go through either Finance or the Solicitor?

Mr. Dillon answered as long as I have the ability to be heard as a department head in the City to advise the people that I work for, the Board and the Mayor, that I believe I need these services particularly if there is a disagreement between myself and the Finance Officer or the City Solicitor. I don't think it should be the City Solicitor and the Finance Officer that rule the day. I think there should be the ability to appeal that to a Board or the Mayor.

Alderman Gatsas replied I am not saying appealing it. I am saying add you to the list. If we are putting in legal services by the City Solicitor, if we are putting in actuarials and insurance services by the Risk Manager or the Finance Officer I would think that we would add those same services for the Airport.

Solicitor Clark asked what services, Alderman. Do you mean legal services for the Airport?

Alderman Gatsas answered no that if they want a waiver for things they are looking to do that they can come to the full Board.

Mr. Clougherty stated anybody can do that now under this and is encouraged to do that. If you read the way that is written it says, "the procurement of the following goods and services shall be made exclusively by the delegated purchasing agency. Exceptions may only be granted with a written waiver." That is what we are talking about. Any department that felt that they needed some specialized attention whether it is for legal services or information technology could come to the Board. That is what that says. So it is not that you have to add or single out one department for special treatment. That is what we are trying to get away from. Any department as I read it could come and ask for a waiver with respect to any of these.

Alderman Gatsas asked then why did you add these six in there. Why did you put these six in there to spell them out?

Solicitor Clark responded not all six but most of them are in the present Procurement Code and they were in the charter prior to that. Legal services have always been procured by the City Solicitor. What happened if you went back in history prior to having a full-time City Solicitor various departments went out and hired their own lawyers and this City was in chaos. They were giving conflicting opinions. They were giving advice to the departments that was just not proper and you need one person doing that. That is why you have a full-time City Solicitor who is given the responsibility to make sure that the department heads and even the full Board act according to law.

Mr. Dillon stated I just wanted to point out that there is a change, though, under this proposed Procurement Code that adds financial services, banking services, auditing services and accounting services. That has not been in the Procurement Code. That is an expansion.

Alderman Porter stated I was going to suggest, Mr. Dillon, that you prepare some language that you would like to see and get it to Frank and also to this Committee as information.

Mr. Clougherty stated just to follow-up on that the reason that those weren't specified in the procurement code is they are specified in other sections of the charter and the statutes. So what we were trying to do here as I mentioned earlier was to cross-reference those other sections as Tom mentioned where there are legal sections of the ordinances that do provide authorities so that there weren't contradicting sections. Just as there used to be multiple attorneys that is why you set-up the Finance Department and had a Treasurer so you don't have people going out and doing different accounting and there is some continuity in all of those services. As far as the auditing services, I think we talked about this. There has been the referendum that has passed and over the next few months the Board is going to have to, as part of the budget process and other things, define that program and what the auditor is going to be and what the services are going to be and what the budget is going to be. All of those details are going to be worked out and with respect to Kevin's example, I think he probably already has authority underneath the bond resolutions to do the type of auditing that he wants to do. That is part of his business operation. I can go back and check on that. Certainly if he needed authority to do that, that is an easy memo between an auditor and right now the Finance Officer and after July the auditor saying go ahead and do that. It shouldn't be a big deal.

Alderman Lopez stated I want to go back to what Tom said about legal services by the City Solicitor. When you present this could we possibly get what has been done, Tom, like the ordinance you referred to giving you that authority so it backs up this particular paragraph so we reinforce that when we finalize this document or anybody else that has any authority that has been given by prior Boards?

Solicitor Clark stated it is presently in your Procurement Code in your book. Prior to that it was in the charter I believe.

Alderman Lopez asked well could you maybe make reference to something so that it would clear that particular thing up and at the same time Mr. Dillon will provide whatever language to Frank.

Solicitor Clark stated as Frank advised the Committee before the departments are still meeting on this and this is one section that Kevin and I have agreed to sit down and talk about to see where the parameters exist.

Mr. Thomas stated for the Committee's information, the first three items that we are looking at here are in the existing Procurement Code now under Section 39.10 - insurance and actuarial services, legal services by the Solicitor, data processing by Information Systems. So the first three are what presently are in the existing Procurement Code that we have now. The fourth, fifth and sixth have been added and as you can see number six was added today.

Alderman Lopez stated I agree with you. The only thing is that a document like this we are supposed to read everything and once it is approved by the Board they ask well didn't you read it so it is hard unless things are highlighted of those areas that are in question that we completely understand what we are approving. That is the only issue I am making.

Chairman Forest stated I think Frank mentioned at the beginning of his statement that he would like to pass this on to all department heads so they can critique it and offer input and recommendations.

Mr. Thomas responded correct. I would like to come back to the Committee the next time saying that the final draft had gone out to all of the departments. I would like to come back and say that we have concurrence with all of the departments and again we have some issues. Obviously we have some issues with the Airport and hopefully we can come back and say they are on board too.

Alderman Osborne moved to table. Alderman Lopez duly seconded the motion. Chairman Forest called for a vote. There being none opposed, the motion carried.

Alderman Gatsas asked can we get copies of the responses from all of the department heads.

Mr. Thomas answered yes. Again, I can get this out electronically to all of the department heads within a week. As Tom mentioned, Tom and Kevin can sit down and have a meeting with Kevin Dillon to try to work out the issues that were raised here tonight. We will get this out to the other departments. It can be turned around pretty quickly. When is your next scheduled Committee meeting?

Chairman Forest stated we will probably have a meeting next month at least for an update on it and maybe by the first of the year we can act on it or after the first of the year.

Mr. Thomas responded that sounds good. I think Alderman Gatsas would like to see it approved for the first of the year.

Chairman Forest stated the taxi driver has not shown up so I will accept a motion to receive and file that item.

On motion of Alderman Osborne, duly seconded by Alderman Lopez it was voted to receive and file.

### **TABLED ITEM**

- 5 Resolution establishing a trust fund and pay-as-you-go fund in 2006 from monies that would be available after payoff of the fiscal year conversion bonds.

This item remained on the table.

On motion of Alderman Osborne, duly seconded by Alderman Porter, it was voted to remove this item from the table.

6. Communication from Barbara Vigneault, Elderly Services Director, advising of CMC's proposal to provide community and medical services at the new Manchester Senior Activity Center.

Barbara Vigneault, Elderly Services Director, stated as you know CMC had submitted a proposal to the Mayor about services that they would like to provide at the new senior center and we had taken a look at their proposal and we had passed that on to the Board of Mayor and Aldermen and it was forwarded back to the Committee for review. CMC has offered a new final proposal that is less intensive if you want. It is more of a hosting agreement that we have with many agencies that want to come in and host their programs. They have graciously offered to do this with no cost to the City so we are going to be getting a lot of educational programs and non-medical type treatment programs. For instance, nursing services on staff for nursing advice and that type of thing for seniors. I have a listing of some of the things that we intend to have offered there through the grace of CMC and I just kind of wanted to let you know what some of these things are going to be. They will be hosting educational health education classes every other month. They are going to be offering ongoing exercise classes during the day and evenings. They are going to be hosting health screenings every quarter depending upon what screening is selected. As I mentioned, they will have "the nurse is in" consult once a week. They will offer other educational classes as needed. They have talked about bringing in Meds for Manchester to have that available for folks. All registration and any fees for any type of service would go directly through

Prime Time at CMC s we would not be filtering any of those costs through the City. They have not required any fees for service from the City. This is something that they are willing to do. We have been real clear on our agreement with CMC that these are going to be programs that they are offering to people who don't regularly go to classes held at Prime Time or are offered through CMC. These are going to be new and different so they are not just using the space. These are going to be new and different services and making it more available to seniors so that they have better access to these services. We wanted to make sure that this Committee understood. We just didn't want it to fall by the wayside. We wanted you to understand that this is something that CMC has agreed to do at a hosting level and if things were to change we would, of course, notify the Board but we do enter into agreements with agencies to bring in their services and that is the mission of our new building so that we can be the front door for senior services. The Elliot Hospital has also met with us recently and they do want to provide some services as well at the new building and we have talked about different things that are needed in the community so these would be new things that are not currently provided. It is kind of exciting to have two big organizations in the City working together with us to provide services to seniors.

Alderman Lopez stated what I am concerned about is we haven't seen any agreement and the Commission was...and also in your letter in part it says exclusive to CMC so without seeing and I know what you are going to say that you are not but we haven't seen any agreement. Is there a signed agreement already?

Ms. Vigneault responded no. We did not enter into a signed agreement and we did not...it was refused that we would offer exclusivity. That is why this is a hosting agreement that can be broken at any time. It is an agreement that, well I don't want to use the word agreement but it is a proposal of offering services but if the service didn't work out for both parties, if they intended not to continue the service they could withdraw. If we didn't want them to have the service then they would have to withdraw.

Alderman Lopez stated there must be some kind of agreement.

Ms. Vigneault responded we call it a proposal. I do have the final proposal here, which I could submit to the Committee but it is not an agreement that has signed signatures from any group. It is just a proposal to collaborate more together as we have with many agencies that offer services to the City through the senior center.

Alderman Lopez asked are we giving them exclusive rights to certain spaces in the senior center.



Ms. Vigneault answered no there is no exclusivity at the senior center at all. It is just calling up and booking the space for the assigned time and we will do that with Southern NH Services when they want to offer fuel assistance for fuel assistance information. We will do that with many agencies. It is not going to be my space or any exclusive space. It is going to be hosting them and booking as needed for space. If we have an agency that wants to come in and provide their services or information, they would have to go through a booking process with the staff to book the area and get approval and provide that.

Alderman Lopez asked are they going to be paying money to Prime Time to run a program.

Ms. Vigneault answered all of the classes would...the seniors would have to book through Prime Time for the classes. So if they want to sign up they have to contact Prime Time and that is listed in the proposal. That is how they would sign up for the class so if someone came into the senior center and they wanted to sign up for the exercise group all they would have to do is we would give them the information and they would be able to sign up through calling either Ask a Nurse or Prime Time for that exercise class.

Alderman Lopez asked but they are going to come to the senior center. Prime Time is going to come to the senior center.

Ms. Vigneault answered yes.

Alderman Lopez asked so they are utilizing the senior center but they have to pay Prime Time.

Ms. Vigneault stated if there was a charge for the service. Many of the services there is no fee for so it would depend on what that service was. So, that is how the arrangement is made. It is really trying to make things accessible for the seniors who come to the senior center so they have those things made available at the senior center for service.

Alderman Gatsas asked do you have some document that you have signed for a hold harmless to the City for them using our space and if one of their employees gets hurt at the senior center.

Ms. Vigneault answered we don't have a hold harmless agreement. You probably would have to refer that to Tom Clark.

Alderman Gatsas stated I would think that before any space could be utilized by any agency outside of City staff that there has to be some sort of agreement that

would certainly not have any repercussions to the City if one of their employees comes in and puts on a class and they get hurt at the senior center. I would think that before anything is done that some document comes before this Committee so that we can take a look at it where it is a City building.

Alderman Lopez stated good point.

Alderman Osborne stated I was just wondering if the Elliot Hospital has been notified of this situation.

Ms. Vigneault responded we had met with the Elliot Hospital and they as well would like to offer some services for particular groups concerning senior issues, caregiving issues and things like that so they have other types of services that they would recommend to develop.

Alderman Osborne asked is this through Mr. Dean.

Ms. Vigneault answered yes.

Alderman Lopez stated that is a good point that Alderman Gatsas brought up regarding the hold harmless clause. Does Meals on Wheels have that?

Ms. Vigneault responded maybe Tom Clark since he is here can answer some of your legal concerns. For years we have hosted agencies who have come in because that is what senior centers do. Agencies come in and they provide services to seniors at the facility so if it is educational or what have you they are providing a service for us since we are not staffed to have all of that expertise at the senior center. So whether it is a health service or information on whatever, nursing homes or whatever, those individuals come in and provide that service.

Alderman Lopez stated I know that some of the places we visited some worked that way and some didn't work that way. Some rented space from the senior center and paid a fee and brought their professionals in to run a class and paid the senior center X number of dollars. I don't know.

Chairman Forest stated maybe we should receive and file this item and advise Barbara to get together with Harry and the City Solicitor on this.

Alderman Lopez responded I would rather table this particular item until we get the final agreement and Tom Clark's opinion as to people coming in and using our space over there. I am very cautious if we start doing that and taking over so to speak. There has to be some type of...there all kinds of things which I know you are aware of because we visited some of the senior centers but anyway I don't

think I am really ready to say yes or no on this because I haven't received anything and I don't know the answers to some of the questions that have been brought up here.

Alderman Gatsas stated I don't have a problem if you want to move to table and along with that motion include that the City Solicitor report to us at our next meeting regarding the liabilities.

Alderman Gatsas moved to ask the City Solicitor to make sure that whatever involvement there is at the senior center that if there is a liability factor people sign off on it. Alderman Porter duly seconded the motion. Chairman Forest called for a vote. There being none opposed, the motion carried.

On motion of Alderman Porter, duly seconded by Alderman Gatsas it was voted to table this item.

Alderman Lopez stated I want to take the opportunity while you are here and you might not be able to answer it but opening the senior center on the weekend has that been discussed because some people have asked me about it.

Ms. Vigneault responded the senior center for the last two years has been open on Saturdays from 12 – 4 PM and that is still happening.

7. Communication from Alderman Shea relative to procedures for citations.

This item remained on the table.

8. Communication from Alderman Osborne requesting the contract compliance issues noted in the management letter be referred to the Committee on Administration.

This item remained on the table.

There being no further business, on motion of Alderman Porter, duly seconded by Alderman Osborne it was voted to adjourn.

A True Record. Attest.

Clerk of Committee